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1953

Dec. 23

Dr. Milton C. Bailey  
Commissioner of Education  
State Department of Education  
State House Annex

Dear Dr. Bailey:

You have requested an opinion from this office relative to whether or not a school district which becomes part of a new cooperative school district, has a continued existence as a bonding or indebtedness unit.

Considering only the case where a school district becomes part of a cooperative district for its entire educational needs, it is the opinion of this office that the pre-existing school district ceases to exist as an independent unit for all purposes except those specifically noted in the law.

Under the provisions of section 6 of chapter 159, Laws of 1947, as amended by chapter 213, Laws of 1951 and as amended by chapter 225, Laws of 1953, paragraph I of said section provides that the local school district shall continue in existence only until July 1 next after the formation of the cooperative district. Paragraph III provides for the continued existence of a local school district whenever only a part of its educational needs is to be furnished by the cooperative district. It must be noted, however, that paragraph I of section 6 and section 11 both provide that the cooperative district shall act as "agent" for the pre-existing school district.

It seems clear that the legislature intended to terminate local school districts once they became members of cooperative districts, but they realized that this was impossible in such cases as trust funds. They therefore made provisions for the settling of these affairs by establishing that the cooperative district could act as agent for the former individual districts.

It is therefore our opinion that a school district which becomes a member of a cooperative school district for all of its educational requirements, ceases to have an independent existence except insofar as the legislature has indicated the special need for its continuance, and then only for such time as

C O P Y

Dr. Milton C. Daley

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December 28, 1953

is necessary under the cooperative school district law itself.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AMC, Jr/E